

First Amended Complaint

Edward Franzese, Plaintiff,

- against -

City of New York, C.O Rosario, Defendants,

17 Civ. 3020(AJN)(GWG)

On May 12th 2015, at the GMDC building on Rikers Island, I was housed in the SRG (Security Risk Group) Administrative Segregation house which was 1 Main B at the time. During this time the warden implemented Modified Lockouts, which means a certain group of inmates will be locked out in a certain portion of the housing unit, while the other group locks in a different portion to avoid confrontations. It was also implemented that only one cell can be open at any time. Once locked out you must go directly to the portion of the house you are assigned to, so the next man may be locked out. I had asked C.O Rosario #7561 to let me go into my cell to get changed for I had just got out the shower. Once I was let into my cell I stated to him "leave my door open I'll be about in a minute" which he did. After about 30 seconds another inmate which belonged to another group & was not to be locked out, came into my cell & cut me with an unknown object. Due to the deliberate indifference and negligence on behalf of C.O Rosario I recieved multiple lacerations. C.O Rosario failed to withhold his obligations of Care Custody Control. He was not to open any other cells and couldve avoided ~~and~~ this entire situation. C.O Rosario stated in his infraction report that

he heard a loud noise coming from my cell and saw me pop open the cell from the inside which is impossible, the doors must be opened with an emergency release bar from the outside to be opened. Not to mention these false accusations, I also feel he coerced and conspired this predicament. I was then taken to medical, photographed, taken to the west facility, where I recieved seven stitches on my left arm and glue to my face & head area. I was then taken to the GMD intake for a day and a half where I slept on the floor and even went to court & back. Finally I was sent to punitive segregation (Box) for 30 days. This was a violation ~~th~~ to the constitutional right of cruel and unusal punishment, all for me defending myself against being slashed due to this correction officers misconduct. Due to these permanent scars on my face and arm it prevents me from engaging in certain professions in the future. If Rosario knew that me and the other inmate were in opposite groups with prior serious altercations, there is no reason for him to have had both of us out at the same time. C.O Rosario is unfit to continue to work as an officer and should be terminated, also I definately deserve monitary damages & compensations for this incident. This should never happen under any circumstances under any correctional official.

(Regal Mail)

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